

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ADVANCED VIDEO TECHNOLOGIES LLC, :  
Plaintiff, :  
vs. : Case No. 1:11-cv-06604 (CM) (RLE)  
HTC CORPORATION and HTC AMERICA, :  
INC., :  
Defendants. :

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ADVANCED VIDEO TECHNOLOGIES LLC, :  
Plaintiff, :  
vs. : Case No. 1:11-cv-08908 (CM) (RLE)  
BLACKBERRY, LTD. and BLACKBERRY :  
CORPORATION, :  
Defendants. :

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ADVANCED VIDEO TECHNOLOGIES LLC, :  
Plaintiff, :  
vs. : Case No. 1:12-cv-00918 (CM) (HBP)  
MOTOROLA MOBILITY LLC, :  
Defendant. :

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**DECLARATION OF KYLE D. CHEN IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS FOR LACK OF STANDING  
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(1)**

I, Kyle D. Chen, declare:

1. I am an attorney with the law firm of Cooley LLP, counsel for Defendants HTC Corp. and HTC America, Inc. (collectively “HTC”) in *Advanced Video Technologies LLC v. HTC Corp., et al.*, Case No. 1:11-cv-06604 (CM) (RLE) (the “HTC case”). I make this declaration in support of Defendants’ Motion To Dismiss for Lack of Standing Pursuant to Federal Rule of Civil Procedure 12(b)(1). I have personal knowledge of the facts contained within this declaration, and if called as a witness, could testify competently to the matters contained herein.

2. Attached hereto as **Exhibit 1** is a true and correct copy of Patent Application No. 08/437,276 filed on May 8, 1995 in the United States Patent and Trademark Office (“USPTO”) and produced in the HTC case by Plaintiff Advanced Video Technologies LLC (“AVT”) as documents bearing Bates numbers AVT0000056 – AVT0000103.

3. Attached hereto as **Exhibit 2** is a true and correct copy of File Wrapper Continuing Application (FWC) Transmittal for Application No. 08/939,997 filed on September 29, 1997 with the USPTO, and produced in the HTC case by AVT as documents bearing Bates numbers AVT0000218 – AVT0000230. Application No. 08/939,997 was a continuation of Patent Application No. 08/437,276.

4. Attached hereto as **Exhibit 3** are true and correct copies of Notice To File Missing Parts of Application filed June 13, 1995 in Patent Application No. 08/437,276 and the response thereto filed August 17, 1995, which were produced in the HTC case by AVT as documents bearing Bates numbers AVT0000104 – AVT0000140.

5. Attached hereto as **Exhibit 4** is a true and correct copy of a Patent Assignment filed January 26, 1996 in Patent Application No. 08/437,276, produced in the HTC case by AVT as documents bearing Bates numbers AVT0024736 – AVT0024739.

6. Attached hereto as **Exhibit 5** are true and correct copies of patent assignment records filed with the USPTO for U.S. Patent No. 5,781,788 and produced in the HTC case by AVT as documents bearing Bates numbers AVT0024724 – AVT0024734.

7. Attached hereto as **Exhibit 6** are certified copies of all documents on file for AVC Technology, Inc. with the Secretary of State of the State of Delaware, produced in the HTC case by HTC and bearing Bates numbers HTCAVT00464300 – HTCAVT00464307.

8. Attached hereto as **Exhibit 7** is a copy of a certification by the Secretary of State of the State of Delaware regarding Epogy Communications Inc.

9. Attached hereto as **Exhibit 8** are certified copies of all documents on file with the Secretary of State of the State of California regarding AVC Technology, Inc.

10. Attached hereto as **Exhibit 9** are certified copies of all documents on file with the Secretary of State of the State of California regarding Epogy Communications Inc.

I declare under penalty of perjury that to the best of my knowledge the foregoing is true and correct. Executed on December 3, 2014 in Palo Alto, California.

/s/ Kyle D. Chen

Kyle D. Chen